REMARKS

Claims 1 – 53 are currently pending in this application. Claim 16 has been amended herein. No new matter has been added. Claims 1 - 53 have been rejected. Reconsideration and withdrawal of the rejections set forth in the Office Action dated January 26, 2007 are respectfully requested.

Claim Rejections:

35 U.S.C. 101 Rejections

The examiner suggested that claims 16 – 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, i.e. a computer program on a computer readable media is considered data on a disk, which is non-functional descriptive material. However, the examiner suggested amending the claims to meet the 35 U.S.C. §101 requirement using specific language. Claim 16 is amended according to the examiner's suggestion. Therefore, the applicant respectfully requests the independent claim16 and dependent claims 17-23 are allowed.

35 U.S.C. 102 Rejections

The Prior Art (Bezos)

Bezos, U.S. Patent No. 6,029,141, apparently teaches an internet-based referral system that enables individuals and other business entities ("associates") to market products, in return for a commission, that are sold from a merchant's website.

Bezos is focused on identifying customers that have been referred to merchants. Bezos shows associates in direct communication with customers. Bezos shows associates sending html docs with embedded links to customers. The examiner has argued that Bezos teaches an associate transmitting a publication to a customer.

Bezos nowhere mentions a merchant maintaining a publication service on behalf of affiliates. Bezos does not teach a system or method for maintaining a single publication system in accordance with a plurality of affiliates. Bezos does not teach tracking a user in regard to a publication that has been forwarded to the user.

The Prior Art Distinguished (Claims 1,9,16,24,32,34,41,42,49, 50 and 51)

The examiner relies on Bezos to reject claims 1 - 53 under 35 U.S.C. 102(e). To anticipate a claim, a reference must teach each and every element of the claim.

The examiner suggested that Bezos discloses a method, system, program and apparatus for providing performance based referral credit based on user transactions utilizing a network comprising:

a. allowing a referring entity to present a publication, the referring entity being assigned a unique identifier associated with the publication. (Col 1, line 50 through Col 2, line 18, and Col 7, lines 6-40)

b. receiving input from a user for subscribing to the publication utilizing a network. (Col 7, lines 52-60)

c. assigning a tracking code that traces to the user input and the unique identifier; (Col 8, lines 17-48)

d. forwarding the publication to the user based on the user input utilizing the network; (Col 7, lines 52-60)

e. allowing the user to select an entity associated with the publication; (Col 14, lines 1-37)

f. identifying the tracking code when the user conducts a transaction with the entity in order to provide a credit to the referring entity. (Col 1, line 50 through Col 2, line 18, and Col 14, line 38 through Col 15, line 16)

Regarding the step a of allowing a referring entity to present a publication, the referring entity being assigned a unique identifier associated with the publication, the quoted paragraphs in Bezos (Col 1, line 50 through Col 2, line 18, and Col 7, lines 6-40)

refer to identifying associates that refer customers to merchants and the compensating them for their referrals and states that associates send publications directly to customers.

Bezos does not teach allowing a referring entity to present a publication because it is contrary to Bezos' general schema. Bezos teaches that associates directly send content to customers. FIG. 1 of Bezos shows associates in direct communication with customers. Applicant allows an affiliate to present a publication to a merchant that will be forwarded to a customer. Advantageously, many affiliates may present publications and the publications will all be forwarded for the affiliates. Bezos does not teach the limitations of the present claim because the method and system developed by Applicant provide features that Bezos did not contemplate.

Regarding the step b of receiving input from a user for subscribing to the publication utilizing a network, the quoted paragraph in Bezos (Col. 7, lines 52-60) refers to the selection of a referral link on the merchant Web site, instead of a user subscription to the publication as claimed in the present application. Bezos describes the "merchant web page where a hyperlink can be selected that allows the selected product to be added to a customer "shopping cart." There is no mention of a user subscription to the presented publication of step a.

Regarding the step c of assigning a tracking code that traces to the user input and the unique identifier, Bezos in Col 8, lines 17-31 describes using cookies technology to identify the customer so that the customer can be associated with any existing shopping cart created during pervious visits to the site instead of assigning a tracking code that traces tot the user input and the unique identifier that was assigned in step a. Further, Bezos in Col 8, lines 32-48 describes various technologies to disseminate the catalog documents, instead of assigning the above tracking code. "cookies" are defined as a technology that enables a Web server to retrieve information from a user's computer that reveals prior browsing activity of the user (Bezos, Col 5,

lines 55-60), and this is distinguishable from the assigned tracing code for the present application in step c.

Regarding the step d of forwarding the publication to the user based on the user input utilizing the network, Bezos in Col 7, lines 52-60 describes the selection of a referral link causing a product detail page to be displayed on the customer computer, where the product detail page is served by the merchant Web site. This is distinguishable from forwarding the publication to the user presented by the referring entity.

Further, as it regards publications specifically, Bezos contemplates an associate sending out publications directly to customers. Nowhere does Bezos mention the merchant sending out the publications on behalf of affiliates. Forwarding the publication for the customer is claimed subject matter and Bezos fails to teach this important step.

Regarding the step e of allowing the user to select an entity associated with the publication, Bezos in Col 14, lines 1-20, describes a customer's selection of a link with the customer ID at the merchant site that allows the merchant site to identify the customer without the need to re-request the cookie from the customer computer. This is distinguishable from the user's selection of an entity associated with the publication presented by the referring entity. Further, in Col 14, lines 21-37, Bezos describes shopping cart database management, which is distinguishable from allowing the user's selection of an entity associated with the publication mention above.

Regarding the step f of identifying the tracking code when the user conducts a transaction with the entity in order to provide a credit to the referring entity, Bezos in Col 1, line 50 through Col 2, line 18; describes the unique ID of the associate (assigned upon enrollment) and the unique ID of the selected product included in the referral information, used to identify the associate that referred the customer to the merchant site and the product selected from the associate's catalog. This is distinguishable from

identifying the tracking code assigned in step c that traces to the user input and the unique identifier as in step f in the present application. Even though the purpose of tracking the unique ID of the referring entity seems similar, the specific method utilized in Bezos and the present application is distinguishable.

Further, Bezos in Col 14, line 38 though Col 15, line 16, describes the associate's store ID, the shopping cart database, the catalog document, and the URL comprising the unique customer ID, the product ID, the store ID, and the associate commission ID, but does not describe the step f of identifying the tracking code assigned in step c as mentioned above.

Therefore, Applicant submits that Bezos does not anticipate claims 1, 9, 16, 24, 32, 34, 41, 42, 49, 50, and 51, and respectfully submits that the claims are allowed.

The Prior Art Distinguished (Claims 2,10,17,25,33, and 43)

The examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the publication includes at least one of a newsletter and an e-mail announcement. (Col 1, line 50 through Col 2, line 18).

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 2, 10, 17, 25, 33, and 43 be allowed.

The Prior Art Distinguished (Claims 3,11,18,26,35, and 44)

The examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the publication includes at least one of a newsletter and an e-mail announcement. (Col 8, lines 17-48).

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Furthermore, Bezos in Col 8, lines 17-48 describes using

cookies technology to identify the customer, or alternatively a user ID and/or URL information returned by the customer's web browser, and various technologies to disseminate the catalog documents. However, there is no mention of an email address being included in the user input. Therefore, the applicant respectfully requests that dependent claims 3, 11, 18, 26, 35, and 44 be allowed.

The Prior Art Distinguished (Claims 4,12,19,27,36,45, and 52)

The examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the publication includes at least one of a newsletter and an e-mail announcement. (Col 8, lines 17-48).

Bezos in Col 7, lines 6-60, stated that the catalog documents served by the associate's site include special hyperlinks to Web pages of the merchant Web site for allowing consumers to select products for prospective purchase. Also, Bezos stated that the merchant Web site may comprise a product information database that stores product pricing information and a product detail page may be served by the merchant Web site including various information provided by the merchant about the selected product, e.g. price, inventory, standard product description, etc.

However, Bezos does not teach that the entity associated with the publication is represented by at least one of a link, an advertisement, contact information, an input button, a script, and a drop down menu. Furthermore, the applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, Applicant respectfully requests that the dependent claims 4,12,19,27,36,45, and 52 be allowed.

The Prior Art Distinguished (Claims 5,13,20,28,37, and 46)

The examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1 wherein the network includes at least one of a wide area network and a local area network. (Col 11, lines 50-61).

Bezos in Col 11, lines 50-61 explains a hyperlink allowing the customer to click on the graphic icon with a mouse in order to link to the merchant Web site, and the document including the title and author of the book, editorial description and recommendation of the book from the associate. However, Bezos does not specifically suggest that the network includes at least one of a wide area network and a local area network.

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 5, 13, 20, 28, 37, and 46 be allowed.

The Prior Art Distinguished (Claims 6,14,21,29, and 38)

The Examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 further comprising providing compensation for the credit of the referring entity. (Col 11, lines 50-61).

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 6, 14, 21, 29, and 38 be allowed.

The Prior Art Distinguished (Claims 7,15,22,30,39,47, and 53)

The Examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 6, 14, 21, 29, 32, 42,and 52 wherein the compensation includes monetary compensation, return referrals, discounted services and no-charge services. (Col 7, lines 6-60).

Applicant submitted that Bezos does not anticipate claims 6, 14, 21, 29, 32, 42, and 52 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 7, 15, 22, 30, 39, 47, and 53 be allowed.

The Prior Art Distinguished (Claims 8,23,31,40, and 48)

The Examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the tracking code includes the unique identifier. (Col 14, line 38 through Col 15, line 16).

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42, in the above discussion. Therefore, the applicant respectfully requests that dependent claims 8, 23, 31, 40, and 48 be allowed.
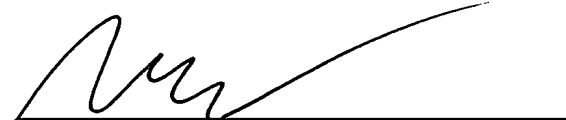
CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all other rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4328 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

Date: July 25, 2007

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